

II. REMARKS

Formal Matters

Claims 24-50 are pending after entry of the amendments set forth herein.

Originally filed claims 1-23 are canceled without prejudice to renewal.

New claims 24-50 are added. Support for new claims 24-50 is found in the claims as originally filed, especially claim 16 as originally filed, and throughout the specification, e.g., on page 15, line 26 to page 19, line 26, and including at the following exemplary locations: claim 24: page 16, lines 1-2; claim 25: page 16, lines 13-17; claim 26: page 6, lines 3-12; claims 27, 31, 35, 39, 43, and 49: page 17, lines 17-19; claims 28, 32, 36, 40, 44, and 50: page 18, lines 2-3 and lines 7-13; claim 29: page 16, lines 1-2; claim 30: page 16, lines 23-28; claim 33: page 16, lines 2-5; claims 34, 38, and 42: page 16, lines 23-28; claim 37: page 16, lines 2-3; claim 41: page 16, lines 2-3; claim 45: page 16, lines 23-28; and page 17, lines 11-25; claim 46: page 16, lines 23-28; and page 17, lines 11-25; claim 47: page 16, lines 2-3; claim 48: page 16, lines 13-17. Accordingly, no new matter is added.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Applicants emphasize for the record that this Preliminary Amendment is not a narrowing amendment made to overcome any "prior art" under 35 U.S.C. §§102 or 103, and further that the amendments made herein are made solely for clarity, i.e., to more particularly point out and distinctly claim that which Applicants regard as their invention. Applicants expressly reserve the right to equivalents of all claim limitations to the full extent that they are currently available and that they may become available, e.g., in the event that the en banc decision announced in *Festo*, 234 F.3d 558 (Fed. Cir. November 29, 2000) is modified or overturned by the Supreme Court of the United States.

Applicants respectfully request entry of the amendment to the specification and the new claims.

III. CONCLUSION


Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN010CON.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

On page 1, please amend the paragraph beginning on line 10 as follows:

This application is a continuation of U.S. Patent Application Serial No. 09/146,187, filed September 1, 1998, which is a divisional application of U.S. Patent Application Serial No. 08/977,818, filed November 25, 1997, now U.S. Patent No. 5,807,995, which is a divisional application of U.S. Patent Application Serial No. 08/670,274, filed June 13, 1993, now U.S. Patent No. 5,891,668, which is a continuation-in-part of application serial no. 08/585,758, filed January 12, 1996, now U.S. Patent No. 5,679,523, which claims priority to U.S. provisional patent application no. 60/006,856, filed November 16, 1995, the disclosures of which are herein incorporated by reference.

IN THE CLAIMS

Please cancel originally filed claims 1-23 without prejudice to renewal.

Please enter new claims 24-50, as shown below.

- 24. (New) An antibody that binds specifically to a wild-type mammalian TSG101 protein.
25. (New) The antibody of claim 24, wherein said antibody is a monoclonal antibody.
26. (New) The antibody of claim 24, wherein said TSG101 protein is human TSG101 protein.
28. (New) The antibody of claim 24, wherein said antibody is detectably labeled.
28. (New) The antibody of claim 24, wherein said antibody is attached to a solid support.
29. (New) An antibody that binds specifically to a mutated mammalian TSG101 protein.

30. (New) The antibody of claim 29, wherein said mutated TSG101 protein, when present in a mammalian cell, is associated with a transformed phenotype.
32. (New) The antibody of claim 29, wherein said antibody is detectably labeled.
32. (New) The antibody of claim 29, wherein said antibody is attached to a solid support.
33. (New) A monoclonal antibody that binds specifically to a coiled coil domain of mammalian TSG101.
34. (New) The antibody of claim 33, wherein said antibody distinguishes between a normal TSG101 protein and a TSG101 protein having a disruption in a coiled coil domain.
36. (New) The antibody of claim 33, wherein said antibody is detectably labeled.
36. (New) The antibody of claim 33, wherein said antibody is attached to a solid support.
37. (New) A monoclonal antibody that binds specifically to a leucine zipper domain of mammalian TSG101.
38. (New) The antibody of claim 37, wherein said antibody distinguishes between a normal TSG101 protein and a TSG101 protein having a disruption in a leucine zipper domain.
39. (New) The antibody of claim 37, wherein said antibody is detectably labeled.
40. (New) The antibody of claim 37, wherein said antibody is attached to a solid support.
41. (New) A monoclonal antibody that binds specifically to a proline rich domain of mammalian TSG101.
42. (New) The antibody of claim 41, wherein said antibody distinguishes between a normal TSG101 protein and a TSG101 protein having a disruption in a proline rich domain.

43. (New) The antibody of claim 41, wherein said antibody is detectably labeled.
44. (New) The antibody of claim 41, wherein said antibody is attached to a solid support.
45. (New) A method of diagnosing a tumor, the method comprising contacting a sample comprising a tumor having a mutation in a TSG101 gene with an antibody that distinguishes between normal and abnormal TSG101 protein.
46. (New) A method of detecting the presence of an abnormal TSG101 protein in a tumor, comprising contacting a sample from an individual suspected of having a cell with a TSG101 mutation with an antibody that distinguishes between normal and abnormal TSG101, wherein specific binding of the antibody to the sample indicates the presence in the sample of a mutated TSG101 protein.
47. (New) The method of claim 46, wherein the mutation is in a coiled coil domain.
48. (New) The method of claim 46, wherein the antibody is a monoclonal antibody.
49. (New) The method of claim 46, wherein the antibody is detectably labeled.
50. (New) The method of claim 46, wherein the antibody is attached to a solid support. --